IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 4372 of 2004

Between:

1. The Kurnool Polamu Baptist Sangamula Samajamu

   (Regd.No. 3-1945)

   Affiliated to Samavesam of Telugu Baptist Churches,

   Markapur, Rep.by its President Sri P.Devaraj, S/o.Isaiah,
   Premises No. 40-160, Bangarupet, Kurnool.

2. Rev.M.Devadanam, S/o.late Somaiah,

   by the schools Correspondent of A.B.M Elementary

   Schools of Kurnool Polamu Baptist Sangamula

   Samajamu(Regd.), Kurnool,
   residing at 40-160 Bangarupeta,

... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep.by the

   Secretary Department of Education(PS) Secretariat,
   Hyderabad.
2 Director of School Education, Hyderabad.
3 District Education Officer, Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or any other direction particularly Writ of Mandamus to the Respondents to decide forthwith within any time frame about the proposal of the Petitioner No.1 Samajam in regard to the Correspondent- ship of the Petitioner No.2 for the periods 2000-2003 and 2003-2006, for the A.B.M. Elementary Schools of Kurnool Polamu Baptist Sangamula Samajamu (Regd.) Kurnool, under affiliation of the Samavesam of Telugu Baptist Churches (Markapur) and issue any other appropriate direction in

the nature of writ as this Hon'ble Court deems fit in the circumstances of the case.

Counsel for the Petitioner:SMT.C.JAYAShREE SARATHY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The petitioners seek a direction to the respondents to consider the proposal of the first petitioner for approving the correspondentship of the second petitioner for the period from 2000 to 2003 and 2003 to 2006 for A.B.M. Elementary Schools, managed by the first petitioner. As the counter affidavit is filed, the writ petition is being disposed of at the interlocutory stage with the consent of the learned counsel for the petitioners and the learned Assistant Government Pleader.

The president of the first petitioner by a letter dated 31.01.2002, requested the second respondent to approve the correspondentship of the second petitioner for 15 A.B.M. Elementary Schools. In the said application, the first petitioner categorically mentioned that there are no rival claims for the management of the affairs of the first petitioner, or the other A.B.M. Schools. The petitioners' grievance is that in spite of the fact that the letter was sent long back, the second respondent has not considered the proposal.

In the counter affidavit, the allegations made by the petitioners are denied. It is further stated that the application made by the first petitioner was returned by the third respondent to the President of the first petitioner for various reasons. The learned Assistant Government Pleader reiterated the same claim.

Section 24(2) of Andhra Pradesh Education Act, 1982 (for short "the Act") requires every management of private institution to nominate a person to manage the affairs of the institution and intimate such nomination within thirty days thereafter to the competent authority. The Government of Andhra Pradesh issued a notification vide G.O.Ms.No.74, dated 27.02.1989 under Section 2(12) of the Act, designating certain authorities to perform the functions of the competent authority under Section 24 of the Act. In relation to Pre-primary Schools, Primary Schools, Secondary Schools/High Schools, Oriental Schools etc, the second respondent has been designated as competent authority. Therefore, the rejection of the application by the third respondent is of no significance. In law, the application made by the president of the first petitioner is deemed to be pending before the second respondent. Therefore, I reject the contention of the learned Assistant Government Pleader.

The writ petition is accordingly allowed, directing the second respondent to consider the proposal sent by the President of the first petitioner for recognizing the second petitioner as correspondent of A.B.M. Elementary Schools, managed by the first petitioner. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

(V.V.S.RAO, J.)

7th October, 2004.

pan

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Seventh day of October Two thousand and four.

ASST.REGISTRAR

To

1. The Secretary, Government of Andhra Pradesh,

   Department of Education(PS),

   Secretariat, Hyderabad.

2) Director of School Education, Hyderabad.

3) District Education Officer, Kurnool.

4) Two C.Cs to the Govt.Pleader for School Education,

   High Court buildings, Hyderabad. (OUT)

5) Two C.D. copies.